

# Antique Firearms under the Gun Control Act of 1968 and the Arms Export Control Act of 1976

Department  
of the  
Treasury

Bureau of  
Alcohol,  
Tobacco and  
Firearms



Under Section 921(a)(16) of Title 18, United States Code (Title I of the Gun Control Act of 1968), the term "antique firearm" means "(A) any firearm (including any firearm with a matchlock, flintlock, percussion, cap or similar type of ignition system) manufactured in or before 1898; and (B) any replica, of any firearm described in subparagraph (A) if such replica — (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade."

Under Section 5845(g) of Title 26, United States Code (Title II of the Gun Control Act) an "antique firearm" is defined as "any firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade." Title II of the Gun Control Act is also known as the National Firearms Act.

For a firearm to be an "antique firearm" under Title I of the Gun Control Act by virtue of its date of manufacture, it is necessary that the firearm be manufactured in or before 1898. A firearm manufactured after 1898 (even though it might have a model designation indicating an earlier year) is not an "antique firearm" unless (1) it is a replica of a firearm manufactured in or before 1898, and such replica is not designed or redesigned for using rimfire or conventional centerfire fixed

ammunition, or (2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

To illustrate the distinction between the two definitions of "antique firearm" under Title I and Title II of the Gun Control Act, a rifle manufactured in or before 1898 would not come under the provisions of Title I even though it uses conventional ammunition. However, if such rifle has a barrel of less than 16 inches in length and uses conventional fixed ammunition which is available in the ordinary channels of commercial trade, it would be a "firearm" subject to the provisions of Title II.

An "antique firearm," as defined in both Title I and II, is exempt from all of the provisions and restrictions contained in the Gun Control Act. Consequently, such an "antique firearm" may be bought, sold, transported, shipped, etc., without regard to the requirements of the Act pertaining to licensing, recordkeeping, and import permits.

Certain firearms which are "antique firearms," as defined in Title I and Title II of the Gun Control Act, are still subject to the import controls of the Arms Export Control Act of 1976 and require a permit to be imported. For example, a permit is required to import any firearm manufactured after 1897, except a black powder firearm which uses an antique ignition system such as a matchlock, flintlock, or percussion cap. No permit is required to import such black powder firearm, regardless of the date of manufacture.

No list of "antique firearms" is published by the Bureau of Alcohol, Tobacco and Firearms since it would be impossible to establish and maintain an all-inclusive list of this nature.